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*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

STEVEN B. MENDELOW, NANCY
MENDELOW, CARA MENDELOW, PAMELA
CHRISTIAN, C&P ASSOCIATES, LTD., and
C&P ASSOCIATES, INC.,

Defendants.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04283 (SMB)

**DECLARATION OF JONATHAN B. NEW IN SUPPORT OF THE
TRUSTEE'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT AND FOR
DISMISSAL OF SUBSEQUENT TRANSFeree CAUSES OF ACTION WITHOUT
PREJUDICE**

I, Jonathan B. New, hereby declare as follows:

1. I am a partner at the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”), under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*III*, and the substantively consolidated estate of Bernard L. Madoff (“Madoff”), individually.

2. On December 22, 2015, the Trustee sought Defendants’ consent to the filing of the proposed amended complaint (“PAC”). On December 29, 2015, the Defendants notified the Trustee that they would not consent to the filing of the PAC. Therefore, pursuant to the November 17, 2015 Stipulation Setting the Briefing Schedule for the Trustee’s Motion for Leave to Amend (the “Motion”), the Trustee is required to make the Motion.

3. The Trustee also requested Defendants’ consent to the dismissal without prejudice of the subsequent transferee causes of action contained in the original complaint filed on November 23, 2010. The Defendants’ notified the Trustee that they would not consent to the dismissal without prejudice, demanding that any dismissal be with prejudice.

4. Attached hereto as Exhibit 1 is a true and correct copy of the Trustee’s PAC.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 30, 2015
New York, New York

By: /s/ Jonathan B. New
Jonathan B. New
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